

## **JOINT MOTION FOR PRELIMINARY APPROVAL OF AMENDED CLAIM FORM**

Defendant United Parcel Service, Inc. (“UPS”) and Plaintiff Barber Auto Sales, Inc. (“Barber”) jointly move for Preliminary Approval of Amended Claim Form in connection with the settlement of the above-captioned class action.<sup>1</sup>

On August 29, 2011, this Court granted preliminary approval of the Amended Settlement Agreement, including Exhibit A thereto, the Claim Form to be provided to Settlement Class Members. *Barber Auto Sales, Inc. v. United Parcel Service, Inc.*, Docket No. 5:06-CV-4686 (order granting preliminary approval of proposed settlement). The Parties now jointly and respectfully submit this amended Claim Form, attached as Exhibit A to this motion, for the Court’s approval. The Claim Form has been slightly modified to clarify that only Class Members who have not been excluded from the Settlement Class are eligible to submit claims and receive Settlement Benefits. The amended Claim Form now explicitly describes the exclusions from the Settlement Class in the section titled “Eligibility”, with language tracking the approved terms contained in the amended Settlement Agreement. The amended Claim Form also has been updated to include website and telephone information, as well as information regarding the Claims Deadline and Class period, consistent with the deadlines set forth in the Court’s Preliminary Approval Order entered on August 29, 2011. In all other respects, the amended Claim Form is identical to the Claim Form previously approved by the Court.

The Parties respectfully request this Court enter an Order approving the amended Claim Form. Attached is a proposed order granting the Parties’ request.

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<sup>1</sup> Unless otherwise stated, all capitalized terms in this Motion are as defined in the Settlement Agreement.

Respectfully submitted this 9th day of September, 2011.

/s/ S. Stewart Haskins

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 9th day of September, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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